

Introduced by Senator Maddy

February 6, 1997

An act to amend Section 1797.98f of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as introduced, Maddy. Emergency medical services.

Existing law authorizes each county to establish an Emergency Medical Services Fund to be available in each county for reimbursement of certain costs relating to emergency medical services pursuant to a prescribed schedule.

Existing law entitles a physician and surgeon with a gross billings arrangement with a hospital to receive reimbursement from the fund for services provided in that hospital if certain conditions are met, including, but not limited to, provision of the services in a basic or comprehensive general acute care hospital emergency department.

This bill would expand this reimbursement category to also include provision of services in a standby emergency department in a small and rural hospital, as defined. By expanding the scope of physicians and surgeons to whom the fund is required to provide reimbursement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated

by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1797.98f of the Health and Safety
2 Code is amended to read:

3 1797.98f. Notwithstanding any other provision of this
4 chapter, an emergency physician and surgeon, or an
5 emergency physician group, with a gross billings
6 arrangement with a hospital shall be entitled to receive
7 reimbursement from the Emergency Medical Services
8 Fund for services provided in that hospital, if all of the
9 following conditions are met:

10 (a) The services are provided in a basic or
11 comprehensive general acute care hospital emergency
12 department, *or in a standby emergency department in a*
13 *small and rural hospital as defined in Section 124840.*

14 (b) The physician and surgeon is not an employee of
15 the hospital.

16 (c) All provisions of Section 1797.98c are satisfied,
17 except that payment to the emergency physician and
18 surgeon, or an emergency physician group, by a hospital
19 pursuant to a gross billings arrangement shall not be
20 interpreted to mean that payment for a patient is made
21 by a responsible third party.

22 (d) Reimbursement from the Emergency Medical
23 Services Fund is sought by the hospital or the hospital's
24 designee, as the billing and collection agent for the
25 emergency physician and surgeon, or an emergency
26 physician group.

27 For purposes of this section, a "gross billings
28 arrangement" is an arrangement whereby a hospital
29 serves as the billing and collection agent for the
30 emergency physician and surgeon, or an emergency
31 physician group, and pays the emergency physician and

1 surgeon, or emergency physician group, a percentage of
2 the emergency physician and surgeon's or group's gross
3 billings for all patients.

4 SEC. 2. No reimbursement is required by this act
5 pursuant to Section 6 of Article XIII B of the California
6 Constitution because a local agency or school district has
7 the authority to levy service charges, fees, or assessments
8 sufficient to pay for the program or level of service
9 mandated by this act, within the meaning of Section 17556
10 of the Government Code.

11 Notwithstanding Section 17580 of the Government
12 Code, unless otherwise specified, the provisions of this act
13 shall become operative on the same date that the act
14 takes effect pursuant to the California Constitution.

